

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Michael I. Rosenfelt	§	ATTORNEY DOCKET NO.:
	§	1744-702USPT
	§	
Serial No.: 10/805,907	§	Confirmation No.: 2039
	§	
Filed: March 22, 2004	§	Examiner: Justin Ye Lee
	§	
For: METHOD AND SYSTEM FOR	§	Art Unit: 2617
PROVIDING BACKUP MESSAGES TO	§	
WIRELESS DEVICES DURING	§	
OUTAGES	§	

**RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121 AFTER
NOTICE OF APPEAL AND GOVERNED BY 37 CFR 41.33**

The following is a response without traverse to the Election/Restriction mailed April 17, 2008. Claims 1-19, 21-23, 25-34 are pending in the application. Claims 1-19, 21-23, 25-34, 36, 38 and 39 are subject to restriction and/or election requirement. Restriction to one of the following inventions is required under 35 U.S.C. § 121, and since entry of this response is being submitted in an application on appeal is governed by 37 CFR 41.33:

Restriction Election

In response to the restriction requirement, Applicant elects Group I, including Claims 1 – 10, 17 – 19, 21 – 23 and 25 – 34 drawn to redirection of email message, classified in class 455, Subclass 412.2.

Claim Election

In accordance with the foregoing provisional elections, Applicant elects Claims 1 – 10, 17 – 19, 21 – 23 and 25 – 34 for examination. The remaining Claims 11-16, 34, 36, 38 and 39 are hereby cancelled without prejudice. Applicant reserves the right to further prosecute the cancelled claims, including the right to include the cancelled claims in a divisional application.

The foregoing provisional election of claims should satisfy the restriction requirement.

Conclusion

The Applicant has addressed the Examiner's restriction and/or election requirement. Any other issues that remain in the application will be addressed in the Appeal Brief to be filed by the Applicant at a future date. However, if there are any questions or issues, the resolution of which the Examiner feels will be advanced by a conference with the Applicant's attorney, the Examiner is invited to contact the attorney at the number noted below.

Respectfully submitted,

/William D. Wiese/
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